

REMARKS/ARGUMENTS

Claims 1 and 2-15 are pending in the application. Applicant amended to the claim of priority on the first page of the application to include the patent number of the cited application. In light of the following, Applicant believes all the pending claims are now in condition for allowance and requests reconsideration of the outstanding rejections.

Claims 1 and 3-15 were rejected under 35 USC § 102(e) as being allegedly being anticipated by U.S. Patent No. 6,366,924, issued April 2, 2002 to Parce. Accordingly, it is being asserted that the '924 patent teaches all the features of the claims. Applicant respectfully traverses the rejection.

Assuming for the sake of argument that the '924 patent teaches all the features of claims 1 and 3-15 as alleged. The subject application is a continuation-in-part of the '924 patent and claims a right of priority to its filing date. 35 USC § 120 states, among other things, that a claim of priority has the effect of the application being filed on the same date as the prior application for inventions disclosed therein. Thus, if the '924 patent teaches all the features of the claims as alleged, the subject application gets the benefit of the earlier priority date so the '924 patent is not prior art. Accordingly, this rejection should be withdrawn.

Claim 5 was rejected under 35 USC § 103(a) as being allegedly unpatentable over Parce in view of U.S. Patent No. 6,416,642, issued July 9, 2002 to Alajoki et al. (hereinafter "Alajoki"). As claim 5 is a dependent claim, the claim should be allowed at a minimum as it is dependent on an allowable independent claim.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8643.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Ritter", written over the printed name.

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